

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOM OGNIBENE, *et al.*,

Plaintiffs,

- against -

FREDERICK A. O. SCHWARTZ, JR., *et al.*,

Defendants.

**NOTICE OF CROSS-
MOTION FOR SUMMARY
JUDGMENT**

08 CV 01335 (LTS) (TDK)

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PLEASE TAKE NOTICE that upon the annexed Statement of Undisputed Facts pursuant to Rule 56.1 of the Local Rules of this Court dated August 4, 2008; the accompanying declaration of Jonathan Pines dated August 4, 2008, with exhibits designated Pines Exhibits A-PP thereto; the accompanying declaration of Peri Horowitz, Director of Special Compliance and Policy Assurance for the New York City Campaign Finance Board, dated August 4, 2008, with exhibits designated Horowitz Exhibits A-D attached thereto; the accompanying declaration of David Karnovsky, General Counsel at the Department of City Planning for the City of New York, dated August 4, 2008; the accompanying declaration of Amy Loprest, Executive Director of the New York City Campaign Finance Board, dated August 4, 2008, with exhibits designated Loprest Exhibits A-B attached thereto; the accompanying declaration of Jesse Schaffer, Director of the Doing Business Accountability Project at the Mayor's Office of Contract Services, dated August 4, 2008, with an exhibit designated Schaffer Exhibit A attached thereto; the accompanying declaration of Marla G. Simpson, Director of the Mayor's Office of Contract Services and the City Chief Procurement Officer, dated August 4, 2008; and the accompanying

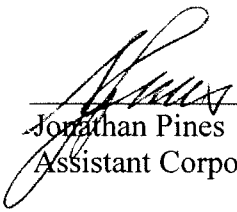
declaration of Arnie Wolsky, Deputy Counsel to the City Clerk and Director of the Lobbying Bureau in the New York City Clerk's Office, dated August 4, 2008, with an exhibit designated Wolsky Exhibit A attached thereto; and upon all prior pleadings and proceedings had herein, defendants will cross-move this Court, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on September 4, 2008, at 4:00 P.M., or on a date to be determined by the Court, for an order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, awarding defendants summary judgment, and granting them such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiffs' consolidated papers submitted in opposition to defendants' cross-motion and in reply to defendants' opposition to plaintiffs' motion, if any, shall be served no later than August 20, 2008.

Dated: New York, New York
August 4, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant
100 Church Street, Room 2-178
New York, New York 10007

By: _____


Jonathan Pines
Assistant Corporation Counsel